

130th General Assembly
Regular Session
2013-2014

. B. No.

A BILL

To amend sections 959.131, 959.132, and 959.99 of the
Revised Code to revise provisions and penalties
regarding treatment of companion animals and to
revise the definition of "companion animal" in the
Offenses Relating to Domestic Animals Law.

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BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 959.131, 959.132, and 959.99 of the
Revised Code be amended to read as follows:

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Sec. 959.131. (A) As used in this section:

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(1) "Companion animal" means any animal that is kept inside a
residential dwelling and any dog or cat regardless of where it is
kept, including a pet store as defined in section 956.01 of the
Revised Code. "Companion animal" does not include livestock or any
wild animal.

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(2) "Cruelty," "torment," and "torture" have the same
meanings as in section 1717.01 of the Revised Code.

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(3) "Residential dwelling" means a structure or shelter or
the portion of a structure or shelter that is used by one or more
humans for the purpose of a habitation.

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(4) "Practice of veterinary medicine" has the same meaning as
in section 4741.01 of the Revised Code.

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(5) "Wild animal" has the same meaning as in section 1531.01 of the Revised Code. 21
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(6) "Federal animal welfare act" means the "Laboratory Animal Act of 1966," Pub. L. No. 89-544, 80 Stat. 350 (1966), 7 U.S.C.A. 2131 et seq., as amended by the "Animal Welfare Act of 1970," Pub. L. No. 91-579, 84 Stat. 1560 (1970), the "Animal Welfare Act Amendments of 1976," Pub. L. No. 94-279, 90 Stat. 417 (1976), and the "Food Security Act of 1985," Pub. L. No. 99-198, 99 Stat. 1354 (1985), and as it may be subsequently amended. 23
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(7) "Dog kennel" means an animal rescue for dogs that is registered under section 956.06 of the Revised Code, a boarding kennel, or a training kennel. 30
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(8) "Boarding kennel" has the same meaning as in section 956.01 of the Revised Code. 33
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(9) "Training kennel" means an establishment operating for profit that keeps, houses, and maintains dogs for the purpose of training the dogs in return for a fee or other consideration. 35
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(10) "Livestock" means horses, mules, and other equidae; cattle, sheep, goats, and other bovidae; swine and other suidae; poultry; alpacas; llamas; captive white-tailed deer; and any other animal that is raised or maintained domestically for food or fiber. 38
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(11) "Captive white-tailed deer" has the same meaning as in section 1531.01 of the Revised Code. 43
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(12) "Serious physical harm" means any of the following: 45

(a) Physical harm that carries a substantial risk of death; 46

(b) Physical harm that involves either partial or total permanent incapacity; 47
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(c) Physical harm that involves acute pain of a duration that results in substantial suffering or that involves any degree of 49
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prolonged or intractable pain. 51

(B) No person shall knowingly torture, torment, needlessly 52
mutilate or maim, cruelly beat, poison, needlessly kill, or commit 53
an act of cruelty against a companion animal. 54

(C) No person shall knowingly cause serious physical harm to 55
a companion animal. 56

(D) No person who confines or who is the custodian or 57
caretaker of a companion animal shall negligently do any of the 58
following: 59

~~(1) Commit any act by which unnecessary or unjustifiable pain~~ 60
~~or suffering is caused, permitted, or allowed to continue, when~~ 61
~~there is a reasonable remedy or relief, against the companion~~ 62
~~animal;~~ 63

~~(2) Omit any act of care by which unnecessary or~~ 64
~~unjustifiable pain or suffering is caused, permitted, or allowed~~ 65
~~to continue, when there is a reasonable remedy or relief, against~~ 66
~~the companion animal;~~ 67

~~(3) Commit any act of neglect by which unnecessary or~~ 68
~~unjustifiable pain or suffering is caused, permitted, or allowed~~ 69
~~to continue, when there is a reasonable remedy or relief, against~~ 70
~~the companion animal~~ Torture, torment, or commit an act of cruelty 71
against the companion animal; 72

~~(4) Needlessly kill the companion animal;~~ 73

~~(5)~~ (2) Deprive the companion animal of necessary sustenance, 74
or confine the companion animal without supplying it during the 75
confinement with sufficient quantities of good, wholesome food and 76
water, ~~or impound or confine the companion animal without~~ 77
~~affording it, during the impoundment or confinement, with access~~ 78
~~to shelter from heat, cold, wind, rain, snow, or excessive direct~~ 79
~~sunlight, if it can reasonably be expected that the companion~~ 80

animal would become sick or suffer in any other way as a result of 81
or due to the deprivation, ~~or confinement, or impoundment or~~ 82
~~confinement in any of these specified manners;~~ 83

(3) Confine the companion animal without affording it, during 84
the impoundment or confinement, with access to shelter from heat, 85
cold, wind, rain, snow, or excessive direct sunlight if it can 86
reasonably be expected that the companion animal would become sick 87
or suffer in any other way as a result of or due to the lack of 88
adequate shelter. 89

~~(D)~~(E) No owner, manager, or employee of a dog kennel who 90
confines or is the custodian or caretaker of a companion animal 91
shall knowingly do any of the following: 92

(1) Torture, torment, needlessly mutilate or maim, cruelly 93
beat, poison, needlessly kill, or commit an act of cruelty against 94
the companion animal; 95

(2) Deprive the companion animal of necessary sustenance, ~~or~~ 96
confine the companion animal without supplying it during the 97
confinement with sufficient quantities of good, wholesome food and 98
water, ~~or impound or confine the companion animal without~~ 99
~~affording it, during the impoundment or confinement, with access~~ 100
~~to shelter if it is substantially certain that the companion~~ 101
~~animal would die or experience unnecessary or unjustifiable pain~~ 102
~~or suffering due to the deprivation, confinement, or impoundment~~ 103
~~or confinement in any of these specified manners~~ can reasonably be 104
expected that the companion animal would become sick or suffer in 105
any other way as a result of the deprivation or confinement; 106

(3) Confine the companion animal without affording it, during 107
the impoundment or confinement, with access to shelter from heat, 108
cold, wind, rain, snow, or excessive direct sunlight if it can 109
reasonably be expected that the companion animal would become sick 110
or suffer in any other way as a result of or due to the lack of 111

adequate shelter. 112

~~(E)(F)~~ No owner, manager, or employee of a dog kennel who 113
confines or is the custodian or caretaker of a companion animal 114
shall negligently do any of the following: 115

~~(1) Commit any act by which unnecessary or unjustifiable pain~~ 116
~~or suffering is caused, permitted, or allowed to continue, when~~ 117
~~there is a reasonable remedy or relief, against the companion~~ 118
~~animal;~~ 119

~~(2) Omit any act of care by which unnecessary or~~ 120
~~unjustifiable pain or suffering is caused, permitted, or allowed~~ 121
~~to continue, when there is a reasonable remedy or relief, against~~ 122
~~the companion animal;~~ 123

~~(3) Commit any act of neglect by which unnecessary or~~ 124
~~unjustifiable pain or suffering is caused, permitted, or allowed~~ 125
~~to continue, when there is a reasonable remedy or relief, against~~ 126
~~the companion animal~~ Torture, torment, or commit an act of cruelty 127
against the companion animal; 128

~~(4) Needlessly kill the companion animal;~~ 129

~~(5)(2)~~ Deprive the companion animal of necessary sustenance, 130
or confine the companion animal without supplying it during the 131
confinement with sufficient quantities of good, wholesome food and 132
water, ~~or impound or confine the companion animal without~~ 133
~~affording it, during the impoundment or confinement, with access~~ 134
~~to shelter from heat, cold, wind, rain, snow, or excessive direct~~ 135
~~sunlight~~ if it can reasonably be expected that the companion 136
animal would become sick or suffer in any other way as a result of 137
or due to the deprivation, or confinement, ~~or impoundment or~~ 138
~~confinement in any of those specified manners;~~ 139

(3) Confine the companion animal without affording it, during 140
the impoundment or confinement, with access to shelter from heat, 141
cold, wind, rain, snow, or excessive direct sunlight if it can 142

reasonably be expected that the companion animal would become sick 143
or suffer in any other way as a result of or due to the lack of 144
adequate shelter. 145

~~(F)~~(G) Divisions (B), (C), (D), and (E), and (F) of this 146
section do not apply to any of the following: 147

(1) A companion animal used in scientific research conducted 148
by an institution in accordance with the federal animal welfare 149
act and related regulations; 150

(2) The lawful practice of veterinary medicine by a person 151
who has been issued a license, temporary permit, or registration 152
certificate to do so under Chapter 4741. of the Revised Code; 153

(3) Dogs being used or intended for use for hunting or field 154
trial purposes, provided that the dogs are being treated in 155
accordance with usual and commonly accepted practices for the care 156
of hunting dogs; 157

(4) The use of common training devices, if the companion 158
animal is being treated in accordance with usual and commonly 159
accepted practices for the training of animals; 160

(5) The administering of medicine to a companion animal that 161
was properly prescribed by a person who has been issued a license, 162
temporary permit, or registration certificate under Chapter 4741. 163
of the Revised Code. 164

~~(G)~~(H) Notwithstanding any section of the Revised Code that 165
otherwise provides for the distribution of fine moneys, the clerk 166
of court shall forward all fines the clerk collects that are so 167
imposed for any violation of this section to the treasurer of the 168
political subdivision or the state, whose county humane society or 169
law enforcement agency is to be paid the fine money as determined 170
under this division. The treasurer to whom the fines are forwarded 171
shall pay the fine moneys to the county humane society or the 172
county, township, municipal corporation, or state law enforcement 173

agency in this state that primarily was responsible for or 174
involved in the investigation and prosecution of the violation. If 175
a county humane society receives any fine moneys under this 176
division, the county humane society shall use the fine moneys 177
either to provide the training that is required for humane agents 178
under section 1717.06 of the Revised Code or to provide additional 179
training for humane agents. 180

Sec. 959.132. (A) As used in this section: 181

(1) "Companion animal" has the same meaning as in section 182
959.131 of the Revised Code. 183

(2) "Impounding agency" means a county humane society 184
organized under section 1717.05 of the Revised Code, an animal 185
shelter, or a law enforcement agency that has impounded a 186
companion animal in accordance with this section. 187

(3) "Offense" means a violation of section 959.131 of the 188
Revised Code or an attempt, in violation of section 2923.02 of the 189
Revised Code, to violate section 959.131 of the Revised Code. 190

(4) "Officer" means any law enforcement officer, agent of a 191
county humane society, or other person appointed to act as an 192
animal control officer for a municipal corporation or township in 193
accordance with state law, an ordinance, or a resolution. 194

(B) An officer may seize and cause to be impounded at an 195
impounding agency a companion animal that the officer has probable 196
cause to believe is the subject of an offense. No officer or 197
impounding agency shall impound a companion animal that is the 198
subject of an offense in a shelter owned, operated, or controlled 199
by a board of county commissioners pursuant to Chapter 955. of the 200
Revised Code unless the board, by resolution, authorizes the 201
impoundment of such a companion animal in a shelter owned, 202
operated, or controlled by that board and has executed, in the 203

case when the officer is other than a dog warden or assistant dog 204
warden, a contract specifying the terms and conditions of the 205
impoundment. 206

(C) The officer shall give written notice of the seizure and 207
impoundment to the owner, keeper, or harbinger of the companion 208
animal that was seized and impounded. If the officer is unable to 209
give the notice to the owner, keeper, or harbinger of the companion 210
animal, the officer shall post the notice on the door of the 211
residence or in another conspicuous place on the premises at which 212
the companion animal was seized. The notice shall include a 213
statement that a hearing will be held not later than ten days 214
after the notice is provided or at the next available court date 215
to determine whether the officer had probable cause to seize the 216
companion animal and, if applicable, to determine the amount of a 217
bond or cash deposit that is needed to provide for the companion 218
animal's care and keeping for not less than thirty days beginning 219
on the date on which the companion animal was impounded. 220

(D) A companion animal that is seized under this section may 221
be humanely destroyed immediately or at any time during 222
impoundment if a licensed veterinarian determines it to be 223
necessary because the companion animal is suffering. 224

(E) (1) Not later than ten days after notice is provided or at 225
the next available court date, the court shall hold a hearing to 226
determine whether the officer impounding a companion animal had 227
probable cause to seize the companion animal. If the court 228
determines that probable cause exists, the court shall determine 229
the amount of a bond or cash deposit that is needed to provide for 230
the companion animal's care and keeping for not less than thirty 231
days beginning on the date on which the companion animal was 232
impounded. 233

(2) If the court determines that probable cause does not 234
exist, the court immediately shall order the impounding agency to 235

return the companion animal to its owner if possible. If the 236
companion animal cannot be returned because it has died as a 237
result of neglect or other misconduct by the impounding agency or 238
if the companion animal is injured as a result of neglect or other 239
misconduct by the impounding agency, the court shall order the 240
impounding agency to pay the owner an amount determined by the 241
court to be equal to the reasonable market value of the companion 242
animal at the time that it was impounded plus statutory interest 243
as defined in section 1343.03 of the Revised Code from the date of 244
the impoundment or an amount determined by the court to be equal 245
to the reasonable cost of treatment of the injury to the companion 246
animal, as applicable. The requirement established in division 247
(E) (2) of this section regarding the payment of the reasonable 248
market value of the companion animal shall not apply in the case 249
of a dog that, in violation of section 955.01 of the Revised Code, 250
was not registered at the time it was seized and impounded. 251

(3) If the court determines that probable cause exists and 252
determines the amount of a bond or cash deposit, the case shall 253
continue and the owner shall post a bond or cash deposit to 254
provide for the companion animal's care and keeping for not less 255
than thirty days beginning on the date on which the companion 256
animal was impounded. The owner may renew a bond or cash deposit 257
by posting, not later than ten days following the expiration of 258
the period for which a previous bond or cash deposit was posted, a 259
new bond or cash deposit in an amount that the court, in 260
consultation with the impounding agency, determines is sufficient 261
to provide for the companion animal's care and keeping for not 262
less than thirty days beginning on the date on which the previous 263
period expired. If no bond or cash deposit is posted or if a bond 264
or cash deposit expires and is not renewed, the impounding agency 265
may determine the disposition of the companion animal unless the 266
court issues an order that specifies otherwise. 267

(F) If a person is convicted of committing an offense, the 268
court may impose the following additional penalties against the 269
person: 270

(1) A requirement that the person pay for the costs incurred 271
by the impounding agency in caring for a companion animal involved 272
in the applicable offense, provided that the costs were incurred 273
during the companion animal's impoundment. A bond or cash deposit 274
posted under this section may be applied to the costs. 275

(2) An order permanently terminating the person's right to 276
possession, title, custody, or care of the companion animal that 277
was involved in the offense. If the court issues such an order, 278
the court shall order the disposition of the companion animal. 279

(G) If a person is found not guilty of committing an offense, 280
the court immediately shall order the impounding agency to return 281
the companion animal to its owner if possible and to return the 282
entire amount of any bond or cash deposit posted under division 283
(E) of this section. If the companion animal cannot be returned 284
because it has died as a result of neglect or other misconduct by 285
the impounding agency or if the companion animal is injured as a 286
result of neglect or other misconduct by the impounding agency, 287
the court shall order the impounding agency to pay the owner an 288
amount determined by the court to be equal to the reasonable 289
market value of the companion animal at the time that it was 290
impounded plus statutory interest as defined in section 1343.03 of 291
the Revised Code from the date of the impoundment or an amount 292
determined by the court to be equal to the reasonable cost of 293
treatment of the injury to the companion animal, as applicable. 294
The requirements established in this division regarding the return 295
of a bond or cash deposit and the payment of the reasonable market 296
value of the companion animal shall not apply in the case of a dog 297
that, in violation of section 955.01 of the Revised Code, was not 298
registered at the time it was seized and impounded. 299

(H) If charges are filed under section 959.131 of the Revised Code against the custodian or caretaker of a companion animal, but the companion animal that is the subject of the charges is not impounded, the court in which the charges are pending may order the owner or person having custody of the companion animal to provide to the companion animal the necessities described in division ~~(C) (5)~~, ~~(D) (2)~~ (D) (2), (D) (3), (E) (2), (E) (3), (F) (2), or ~~(E) (5)~~ (F) (3) of section 959.131 of the Revised Code until the final disposition of the charges. If the court issues an order of that nature, the court also may authorize an officer or another person to visit the place where the companion animal is being kept, at the times and under the conditions that the court may set, to determine whether the companion animal is receiving those necessities and to remove and impound the companion animal if the companion animal is not receiving those necessities.

Sec. 959.99. (A) Whoever violates section 959.18 or 959.19 of the Revised Code is guilty of a minor misdemeanor.

(B) Except as otherwise provided in this division, whoever violates section 959.02 of the Revised Code is guilty of a misdemeanor of the second degree. If the value of the animal killed or the injury done amounts to three hundred dollars or more, whoever violates section 959.02 of the Revised Code is guilty of a misdemeanor of the first degree.

(C) Whoever violates section 959.03, 959.06, 959.12, 959.15, or 959.17 of the Revised Code is guilty of a misdemeanor of the fourth degree.

(D) Whoever violates division (A) of section 959.13 of the Revised Code is guilty of a misdemeanor of the second degree. In addition, the court may order the offender to forfeit the animal or livestock and may provide for its disposition, including, but not limited to, the sale of the animal or livestock. If an animal

or livestock is forfeited and sold pursuant to this division, the
proceeds from the sale first shall be applied to pay the expenses
incurred with regard to the care of the animal from the time it
was taken from the custody of the former owner. The balance of the
proceeds from the sale, if any, shall be paid to the former owner
of the animal.

(E) (1) ~~Whoever~~ Except as otherwise provided in division
(E) (5) of this section, whoever violates division (B) of section
959.131 of the Revised Code is guilty of a misdemeanor of the
first degree on a first offense and a felony of the fifth degree
on each subsequent offense.

(2) Whoever violates division (C) of section 959.131 of the
Revised Code is guilty of a felony of the fifth degree.

(3) Except as otherwise provided in division (E) (5) of this
section, whoever violates section 959.01 of the Revised Code or
division ~~(C)~~ (D) of section 959.131 of the Revised Code is guilty
of a misdemeanor of the second degree on a first offense and a
misdemeanor of the first degree on each subsequent offense.

~~(3)~~ (4) Whoever violates division ~~(D)~~ (E) of section 959.131 of
the Revised Code is guilty of a felony of the fifth degree.

~~(4)~~ Whoever (5) Except as otherwise provided in division
(E) (5) of this section, whoever violates division ~~(E)~~ (F) of
section 959.131 of the Revised Code is guilty of a misdemeanor of
the first degree.

~~(5)~~ (6) If a violation of division (B), (D), or (F) of section
959.131 of the Revised Code proximately causes the death of a
companion animal, the violator is guilty of a felony of the fifth
degree. For purposes of this division, death of a companion animal
includes the euthanization of a companion animal upon the
recommendation of a licensed veterinarian as defined in section
4741.01 of the Revised Code.

(7)(a) A court may order a person who is convicted of or
pleads guilty to a violation of section 959.131 of the Revised
Code to forfeit to an impounding agency, as defined in section
959.132 of the Revised Code, any or all of the companion animals
in that person's ownership or care. The court also may prohibit or
place limitations on the person's ability to own or care for any
companion animals for a specified or indefinite period of time.

(b) A court may order a person who is convicted of or pleads
guilty to a violation of section 959.131 of the Revised Code to
reimburse an impounding agency for the reasonably necessary costs
incurred by the agency for the care of a companion animal that the
agency impounded as a result of the investigation or prosecution
of the violation, provided that the costs were not otherwise paid
under section 959.132 of the Revised Code.

~~(6)~~(8) If a court has reason to believe that a person who is
convicted of or pleads guilty to a violation of section 959.131 of
the Revised Code suffers from a mental or emotional disorder that
contributed to the violation, the court may impose as a community
control sanction or as a condition of probation a requirement that
the offender undergo psychological evaluation or counseling. The
court shall order the offender to pay the costs of the evaluation
or counseling.

(F) Whoever violates section 959.14 of the Revised Code is
guilty of a misdemeanor of the second degree on a first offense
and a misdemeanor of the first degree on each subsequent offense.

(G) Whoever violates section 959.05 or 959.20 of the Revised
Code is guilty of a misdemeanor of the first degree.

(H) Whoever violates section 959.16 of the Revised Code is
guilty of a felony of the fourth degree for a first offense and a
felony of the third degree on each subsequent offense.

Section 2. That existing sections 959.131, 959.132, and	392
959.99 of the Revised Code are hereby repealed.	393
Section 3. This act shall be known as Dick Goddard's Law.	394